

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2147 of 2015

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Tileshara Devi wife of Late Lallan Yadav @ Lallan Ram resident of village
+ P.O. Durgadih P.S. Bikramganj District Rohtas at Sasaram.

.... Petitioner/s

Versus

1.The State of Bihar through the Principal Secretary, Department of Water
Resources Development, Government of Bihar, Patna.

2.The Chief Engineer, Department of Water Resources, Dehari District
Rohtas at Sasaram.

3.The Superintending Engineer, Sone Canal Circle, Department of Water
Resources, Bikramganj, District Rohtas at Sasaram.

4.The Executive Engineer, Sone Canal Division, Department of Water
Resources, Bikramganj, District Rohtas at Saram.

5.The Accountant General (A & E)-II, Bihar, Beerchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv

For the Respondent/s : Mr. Shiv Kumar AC to GA-7

For the Accountant General: Mr. Arun Kumar Arun, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

2 03-02-2015 Heard learned counsel for the parties.

2. The petitioner in this writ petition has prayed
for a direction to Respondents to make payment of
family pension of her husband, namely, Late Lallan Ram
who is said to have died on 22.02.2013.

3. Learned counsel for the petitioner having
referred to either the order of Principal Judge, Family
Court, Rohtas dated 15.12.2010 in Maintenance Case
No. 6 of 2007 or an opinion of the Government pleader
dated 03.10.2013 submits that there is no dispute as with



regard to the petitioner being entitled for getting family pension on account of her being the wife of Late Lallan Ram.

4. Learned counsel for the respondents on the other hand has submitted that neither the aforesaid order of the family Court, in which the State of Bihar was not made a party nor the opinion of Government Pleader, who had completely failed to even look into this very aspect that the State was not a party to the matrimonial case would bind the respondents much less make them liable to pay family pension to the petitioner unless she obtains a succession certificate or a decree of Civil Court declaring her to be the only legally wedded wife of the deceased employee.

5. In the considered opinion of this Court, once this aspect becomes clear that the deceased employee, namely, Late. Lallan Kumar has not declared the petitioner as his wife nor had made her nominee in his pension papers, it will be difficult to the Respondents to

pay family pension to the petitioner. In such a situation, it is the petitioner who will have to produce a declaration in either form of the succession certificate or by a decree of the competent Civil Court that she was the legally wedded wife of late Lallan Ram, who was also entitled to family pension after his death.

6. That being so, this application is disposed of with a liberty to the petitioner to take appropriate action for getting herself declared as legal heir and successor in capacity of first wife of Late Lallan Ram from the competent Civil Court upon impleading the Respondents of this case as defendants to the Civil Suit and upon getting such declaration from civil court produce the same before the Respondents for making payment of family pension to the petitioner.

With the aforesaid observation and direction this writ application is disposed of.

(Mihir Kumar Jha, J)

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